

OUT OF JAIL, WIFE CAN'T FIND HAWLEY HEIR

WRIT ISSUED TO BRING BRANDT FROM JAIL

WEATHER—Fair to-night and Saturday; colder.

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FINAL EDITION.

The



World.

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"Circulation Books Open to All."

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PRODUCE BRANDT IN COURT JUSTICE GERARD'S ORDER TO WARDEN OF PRISON

Writ of Habeas Corpus for
Schiff Burglar Is Return-
able Next Tuesday.

MIRABEAU TOWNS ACTS.

Brings Suit in the Name of
Martin F. Huberth, Pris-
oner's Next Friend.

A writ of habeas corpus, requiring the Warden of Clinton prison to produce the convicted burglar, was issued by Justice Gerard today. The writ was issued on application of Martin F. Huberth of No. 147 Fourth Avenue, who describes himself as Brandt's "next friend."

There was little formality attending the issuance of the writ. Mirabeau L. Towns presented the application as counsel for Huberth. He briefly explained the case and the Court signed the writ as a matter of course.

When Brandt is produced in court next Tuesday the attorney in the case will proceed with efforts to have the case of Brandt reopened.

Before the order of Justice Gerard was issued James W. Osborne made this statement:

"I am going to get Brandt out of prison and I am going to do so decently. The man did not know he was pleading guilty of burglary in the first degree and there is no reason why the case should not be reopened."

Mr. Osborne had a conference today with Judge Rosinsky, who sentenced Brandt, formerly valet to Mortimer L. Schiff, to thirty years in prison five years ago.

"There is no reason whatever for saying this case cannot be reopened," said Mr. Osborne. "Suppose an ignorant man were dragged into court and asked for his plea and muttered 'not guilty,' and the clerk, failing to hear his words distinctly, wrote 'guilty'—don't you suppose the judge before whom the plea was made could reopen the proceedings? Of course he could."

"My contention is that Brandt did not plead guilty to a charge of burglary in the first degree. What he pleaded guilty to was that he had entered the home of Mr. Schiff and had done certain things in that house. Brandt is not guilty of burglary in the first degree because he did not break and enter."

"MAY HAVE GONE TO COMMIT ANOTHER CRIME."

"The law governing burglary in the first degree states that the crime consists in breaking into and entering a dwelling in the night time with intent to do bodily injury. Brandt may have gone in there to commit another crime, but that is not the question at issue."

"I will contend that Brandt's plea is a nullity on the ground that the man had already pleaded that he was not guilty to burglary. What he was pleading guilty to burglary. What he was pleading guilty to was that he had entered the house. The indictment was not read to him as, according to law, it should have been. He did not know what his rights were."

"I will make a motion to have the plea set aside because the man was sentenced without due process of law. This is a constitutional matter and takes precedent over all other statutes. I want the plea and sentence set aside on the ground that it was obtained without due process of law. If this is granted by Judge Rosinsky there will be no warrant for holding Brandt in prison and he will have to be returned to the Tombs and the case reopened."

"I intend to begin action as soon as I obtain authorization from Brandt. The whole matter hinges on the man's plea to a charge of burglary in the first degree when there was no evidence to show that he was guilty of such a charge."

Mr. Osborne said he had talked with Mr. Schiff's lawyers and that the case would be handled on strictly legal lines. Mr. Osborne let it be known that there would be no mud slinging permitted by him.

District Attorney Whitman this after-

HUSBAND NO. 5 IS STILL LOVED, BUT, OH, YOU 6!

Mrs. Fauser Tells Court Never
Again Will She Slave
for a Hubby.

SHE DISLIKED HIS KISSES

That Is to Say, Those Be-
stowed on Pretty Daughter
She Brought Home.

Mrs. Margaret E. Fauser, who brought her fifth husband into Justice Hotchkiss' part of the Supreme Court today to obtain a separation and alimony, declared with emphasis that her love for Husband No. 5, who is Gustave E. Fauser, wealthy artist, is at least as great, and maybe more, than she bore for any of the husbands.

Mrs. Fauser is a comely, slender, dark-eyed woman of thirty years (sworn) and wore a modish black gown which set off her attractiveness convincingly. Her eighteen-year-old daughter, a tall, golden-haired pretty girl, was in court to aid her mother to release herself from the last of the husbands.

"You still love your husband, you say," said Justice Gerard. "Do you think he still loves you?"

"No, not when he did not pay my alimony and when he allowed me to go hungry and when—"

"Didn't he show his affection for you?"

"He certainly did. There wasn't anything I wanted when we were first married he did not give me. He said I could have anything up to a pearl necklace at Tiffany's, and told me to go get it when I wanted it. I deserved it, for I worked harder for him than for any husband I ever had, and harder than I'll ever work for the next one."

Mrs. Fauser swore that Fauser went to Pittsburgh and aided her in obtaining a divorce from husband No. 4. She was asked if she did the housework during the early married months.

"Of course I did. A woman is a poor excuse of a wife who can't do a little housework and believe me, I know."

Mrs. Fauser said that what she liked about the artist was his solicitude for her daughter.

"He promised to bring her to New York, educate her, change her name and make her a fine lady, and that was more than any other man or husband had ever promised to do for me."

"Did not Mr. Fauser fulfill this promise?"

"Yes, he changed her name, that's all. But he didn't like her when he saw her. She was gawky, didn't look like a Parisian butterfly and had no fine array of clothes, and I had to send her back to her grandmother's home."

Later Mrs. Fauser brought her daughter to New York and then placed her in a convent.

SHE'S GOING TO STOP HER MAR-
RYING AGAIN.

"Then he began to change his tactics," continued Mrs. Fauser. "He started to show a warm affection for her. I decided to watch him. He told me that if he had seen her first he was sure he would not have married me, and he said he would marry her yet. And, believe me, Judge," concluded the witness, striking her hand on the railing, "I am here to stop him from doing that."

"And yet you say that you still love Fauser?" questioned the lawyer.

"Well, all I've got to say to that is that I love him, but I love her, too, and I didn't like the way he kissed her."

Court was crowded during Mrs. Fauser's last cross-examination. There were frequent outbursts of mirth at her sallies in response to questions.

MORSE TO SEEK NO REVENGE ON FINANCIAL FOES

Very Ill and His Only Desire
Is to Be Let Alone to
Live in Seclusion.

RETAINS CITIZENSHIP.

District Attorney Wise De-
clares Convicted Banker Did
Not Lose Vote.

Former Supreme Court Justice Augustus Van Wyck, brother of former Mayor Van Wyck, was the only caller admitted to see Charles W. Morse today. Mr. Van Wyck remained an hour with him.

The first authoritative statement concerning the present condition and future plans of the banker, the commutation of whose fifteen-year sentence by President Taft permitted him to leave prison and return to his New York home, was made today by his son, Harry F. Morse.

As the young man came from the Morse home, which is on the third floor, western side, of the Milano Apartments at No. 127 West Fifty-eighth street, he was asked about his father's condition and how he had borne the fatigue of the twenty-four-hour journey from Atlanta.

"My father," he said, "shows very little effect of the trip from the South. He got up at 9 o'clock this morning and had a simple but substantial breakfast. He seemed somewhat tired from the exertions of yesterday, but we are all much encouraged that he felt no worse."

HAS NO THOUGHT OF REVENGE ON FINANCIERS.

"Some of the newspapers have stated that my father intends to revenge himself upon those persons who he believes treated him unfairly in a financial way when he was in business here in New York. Let me say that nothing is further from his mind. He has no idea, no intention, of being revenged upon any one."

"My father has talked to no one since he left Atlanta. No one will be permitted to see him here, not even relatives, because, whatever may be said, my father is a very ill man. Two weeks ago he had a sudden heart attack and there was absolutely no sign of pulse in him. The only way that he was brought around was by the prompt action of a physician. He is not ill now, but I don't know what it is. He was almost dead."

"It is necessary for my father to take the utmost care of himself before he undertakes the journey to Bad Nauheim in three or four weeks. The care and attention he has received lately have been of the greatest benefit to him and he has gained twenty-five pounds of the fifty he lost during his imprisonment."

"We cannot say yet whether he will go out before he leaves for Germany, but I very much doubt it. When he goes abroad my mother will go with him, and she will accompany him. But Mr. Fowler has entire charge of the matter and will advise what is best to be done in all things concerning his health."

NEVER BELIEVED HE LOST HIS CITIZENSHIP.

"As to what has been published about my father's rights to full citizenship, let me say that he was never believed otherwise than that he retained them—that the fact of his conviction did not rob him of them in any way."

"My father will positively give out no statements to any one on any topic. All he desires is to be let alone so he may have a chance to get well."

After making this statement, young Morse returned to the apartment and there undoubtedly had a talk with his father, because he returned later and amplified what he had said. Mr. Morse is only twenty years of age and is apparently disturbed by intimations that he has been made from time to time that his health is really not as bad as it has been represented. The second statement given out, which came directly from the Morse apartment, dealt with this phase of the case. It is as follows:

"At no time during his illness has Mr. Morse called in a physician of his own. His case has been treated always by physicians selected by the Government. At their hands he has submitted to nearly two hundred examinations. Every report as to Mr. Morse's condition has been given out by the Government, and never by any one in Mr. Morse's employ."

The first physician to attend Mr. Morse was Dr. Fowler, physician to the Atlanta Penitentiary. He was in attendance for a year and a half and then returned to his home.

(Continued on Second Page.)

DETECTIVES SEEK WOMAN SUSPECT IN BOMB KILLING

Dickinson Tells of Jealous
Rival Who Had Threatened
Grace Taylor.

CHICAGO POLICE SEARCH

Woman Wanted Seen Here a
Month Ago and May
Be in Hiding.

Investigations made by detectives of clues furnished by Charles M. Dickinson, the discharged suspect in the Taylor bomb murder mystery, have started a search for a woman who is said to have had a reason for desiring the death of the Taylor woman. This woman, of the same social cast as Grace Taylor, had often, according to Dickinson, threatened her life.

Dickinson furnished the woman's name, but said he had not seen her for a long time. His information had been that she had gone to Chicago. Grace Taylor supposed her to be in Chicago.

The trouble between the Taylor woman and the woman named by Dickinson grew out of jealousy over the attentions of a man. The name of the man was also furnished to the police.

CHICAGO POLICE ASKED TO AID IN SEARCH.

The detectives assigned to look up the woman in the case naturally went to addresses furnished by Dickinson. They were told she had gone to Chicago and directions to look her up were forwarded to that city. Then the local detectives unexpectedly learned that the woman they were seeking was seen in New York within a month.

This information, it is said, was confirmed. But the movements of the woman were complicated and she could not be traced with any certainty. The very secrecy of her actions strengthened the suspicion that she might have had something to do with sending the infernal machine to Grace Taylor.

Just how long the suspect was in New York and the exact date of her return from Chicago the detectives have been unable to learn. They have found that she was seen in New York within a month.

William Chappelaine, his wife and four children were found unconscious from the effects of inhaling illuminating gas, in their cottage at Lodi, N. J., near Passaic, this afternoon. Chappelaine and two children died within an hour after their plight was discovered. The mother and two remaining children are at the point of death.

The tragedy was caused by a gas heater in the room where Chappelaine slept, with two of the children. Suddenly, the flames flared the house and the mother and the other children were overcome in an adjoining room.

Chappelaine was employed in Newark and it was his custom to get up and start for work at 6 o'clock every morning. Three of the children, William, aged six, Lillian, four, and Ellen, two years old, were usually seen in the yard playing soon after the departure of their father. The other child, Albert, was seven weeks old.

Neighbors noticed in the afternoon that the children were not in the yard and the curtains of the cottage were drawn. At 3 o'clock this afternoon, after there had been a deal of neighborhood gossip, an investigation was undertaken upon.

Peter De Young, after trying all the doors and windows and finding them locked, forced an entrance by way of the cellar. He found the house full of gas and was almost overcome as he made his way upstairs to the bedrooms.

The six members of the family were found unconscious and apparently lifeless in their beds. From the news of the tragedy, speed brought the fire department and several volunteers flooded the house and assisted doctors, who had been summoned to the scene. The father and the two little boys died under treatment.

Mrs. Chappelaine and the girls had not inhaled quite so much of the gas and remained conscious to the rescue of their mother and the boys. But the doctors said there was not much hope for either of them.

Wife of Hawley Heir on Release To-Day From Jail; Her Husband



ADELINE CRANDELL

THREE ARE DEAD, THREE DYING FROM GAS ASPHYXIA

Father and Two Sons Expire;
Little Hope for Mother and
Two Daughters at Lodi.

TWO JOHN KELLYS HUMBLE PRIDE OF JOHN KELLY, A COP

Policeman Stunned When Pris-
oners He Had Just Arrested
Gave Their Names.

Policeman John Kelly took a name of which he is proud. But his pride had a shock early today when he arranged three prisoners suspected of intending burglary before the sergeant at the West Twentieth street station.

"What is your name?" asked the sergeant of Kelly's first young captive, a slender young man with curly eyes.

"John Kelly," said the youth. The lieutenant, who knew the policeman's high esteem for the name, grinned. The prisoner Kelly looked at the policeman with a surprised expression.

"What is your name?" the lieutenant asked the second youth.

"John Kelly, sir," was the answer. The lieutenant looked back and noted that for a moment it looked as though a large red-faced policeman was about to assault two prisoners right in the station.

"Is your name John Kelly?" the lieutenant asked the third man.

"No, sir," said the man. "It is J. K. Maynard."

"I feel that you are coming from something from me," said the lieutenant. "What do these fellows stand for?"

Maynard eluded away from policeman John Kelly and then answered: "John Kelly Maynard, sir."

The policeman gasped and leaned against the wall.

The act of giving out the steel recording of a name, a cousin of the Simpson Crawford story on Sixth Avenue, where there was a jewelry display. He first captured Maynard who was apparently acting as look-out a block away.

BARRED FROM RICHES, "NIECE" OF HAWLEY HUNTS MISSING WILL

"Dolly" Cameron Says Rail road King
Planned to Marry Her, but Rela-
tives Declare She Has No Claim
to His \$40,000,000.

WIFE OF CAST-OFF HEIR GETS OUT OF WORKHOUSE.

Mrs. Crandell, for Whom Nephew
Broke With Financier, Doesn't
Know Where Husband Is.

The magnificent villa of Edwin Hawley in Effingham Park, his Babylon, L. I. estate, was practically turned inside out Wednesday in a hunt for a will by Miss Margaret Cameron, the handsome young woman who for years presided over the financier's summer and winter homes.

The young woman, who was known in Babylon as "Dolly" Cameron, Mr. Hawley's niece and ward, spent the entire day in her fruitless search and returned to New York in the evening in great distress of mind.

Before she left Effingham Park it was positively stated that when Edwin Hawley was stricken with the illness that so swiftly and unexpectedly ended his remarkable career as a railroad builder and accumulator of millions, he was making elaborate plans to marry his protegee.

The wedding was scheduled to take place this month, the report, and the couple planned to spend their honeymoon in Florida. It was for this reason it is alleged, that Mr. Hawley neglected to execute the will that had been so carefully drawn by his counsel, John B. Stanchfield.

For twelve years past, Miss Cameron had occupied a commanding position in Mr. Hawley's household. She ruled his magnificent estate, Effingham Park, at Babylon, L. I., having entire charge of the routine of servants when she came to town she held sway over domestic affairs in the East Sixtieth street mansion. To all outsiders she was known as Mr. Hawley's niece, though all who were in any way intimate with Mr. Hawley or his affairs knew she was not even remotely related to him.

While it is instantly stated by the friends of Miss Cameron that the railroad magnate contemplated marriage, Mr. Hawley's enemies declare he was a confirmed bachelor and that the thought of marriage never entered his head, though he made no secret of his devotion to his ward.

Miss Cameron was not mentioned in the drafts of the will received by Mr. Stanchfield, but among his intimate friends the great railroad builder made known his intention of leaving a big slice of his \$40,000,000 fortune to her.

780 TAFT VOTES ON FIRST BALLOT OFFICIAL ESTIMATE

President's Campaign Man-
agers Say He Will Have 241
to Spare in Convention.

WASHINGTON, Feb. 9.—The campaign for the renomination of President Taft began in earnest today when representative William B. McKinley, of Illinois, who has assumed charge of the Taft headquarters in Washington, Senator Murray Crane, of Massachusetts, and C. D. Hille, the President's secretary, held a conference.

They spent several hours together and discussed the political situation from Maine to California and from Washington to Florida. After the meeting was over the statement was made that a thorough canvass of the country, as to conditions today, convinced the Taft managers that the President could have 780 votes on the first ballot in the Chicago convention out of a total of 1000, or 24 more than the majority needed for nomination.

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VANISHING CRUIKSHANK AGAIN DISAPPEARS.

ALBANY, Feb. 9.—Capt. Barton S. Cruikshank was again disappeared from the public eye. Captain Cruikshank, who is no longer employed at his military school at Marlin.

"I have searched for Capt. Cruikshank a position out of the State of New York," said the Adjutant-General. "I have great faith in him and am convinced that he will make good."

"No, sir," said the man. "It is J. K. Maynard."

"I feel that you are coming from something from me," said the lieutenant. "What do these fellows stand for?"

Maynard eluded away from policeman John Kelly and then answered: "John Kelly Maynard, sir."

The policeman gasped and leaned against the wall.

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EXPLOSION KILLS TWELVE; INJURES EIGHT OTHERS.

PORT FRANKLIN, Ont., Feb. 9.—A premature explosion of Johnstone and Carey's construction work on the Canadian Northern Railway, near here, this afternoon, killed twelve men and seriously injured eight others.

World Building Turkish Baths, always open. Bath with private rooms. Barber and massage. Chiropodist in attendance. 68 Park Row.

(Continued on Second Page.)

ALMANAC FOR TO-DAY.

Sun. rise.	7:02	Sun. set.	5:26	Moon rise.	12:16
THE TIDES.					
High Water.	Low Water.	High Water.	Low Water.	High Water.	Low Water.
9:00	3:00	9:00	3:00	9:00	3:00
9:00	3:00	9:00	3:00	9:00	3:00
9:00	3:00	9:00	3:00	9:00	3:00
9:00	3:00	9:00	3:00	9:00	3:00